

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AF HOLDINGS, LLC,

Plaintiff,

vs.

JEREMY LOZANO,

Defendant.

) Case No. 1:12-cv-00812-JTN
) Hon. Janet T. Neff
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JOHNATHAN W. TAPPAN (P-72195)
Attorney for Plaintiff
2549 Somerset Blvd. 102
Troy, MI 48084
(248) 622-0206

JOHN T. HERMANN (P-52858)
Attorney for Defendant
2684 West Eleven Mile Road
Berkley, MI 48072
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**DEFENDANT'S MOTION FOR EXTENSION OF TIME TO ANSWER AND/OR
RESPOND TO COMPLAINT IN LIEU OF HIS REQUEST FOR A PRE-MOTION
CONFERENCE**

Defendant, JEREMY LOZANO, ask this Court to grant an extension of time to answer and/or respond to Plaintiff's Complaint until such time as the court conducts its pre-motion conference with regard to its anticipated motion in response to the initial pleading based on the following reasons:

1. On August 6, 2012, Plaintiff's filed a five count complaint against Defendant, JEREMEY LOZANO, for illegally downloading and/or exchanging a movie in violation of Plaintiff's copyright.

2. On December 11, 2012, Defendant's counsel filed request for a pre-trial conference in order to submit as its first responsive pleading, a motion to dismiss Plaintiff's common law and/or state law claims on the grounds that such claims are preempted by the copyright act and therefore fail to state a claim upon which relief may be granted.

3. It is anticipated that Defendant's Motion for Partial Dismissal will be filed before filing its answer. Accordingly, Defendant requests an extension of time (i.e. twenty –one days from the date that the court rules upon his partial dispositive motion to answer the allegations in Plaintiff's complaint and has attached a proposed order hereto.

WHEREFORE, Defendant JEREMY LOZANO, respectfully requests that the court grant his request and enter an order in the form attached hereto.

Dated: December 11, 2012

s/ John T. Hermann

JOHN T. HERMANN (P52858)

Attorney for Defendant

2684 West Eleven Mile Road

Berkley, MI 48072

(248) 591-9291

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I electronically filed the foregoing paper with the Clerk of the Court with the ECF system, which will send notification of each filing to the following:

Johnathan W. Tappan, Esq.

Dated: December 11, 2012

s/ John T. Hermann

JOHN T. HERMANN (P-52858)

Counsel for Defendant

2684 West Eleven Mile

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**[PROPOSED] ORDER ALLOWING DEFENDANT AN EXTENSION OF TIME TO
ANSWER PLAINTIFF'S COMPLAINT**

This matter having come before the court upon motion by Defendant JEREMY LOZANO, for an extension of time to answer Plaintiff's Complaint:

IT IS HEREBY ORDERED THAT Defendant JEREMY LOZANO shall have twenty one-days from the date that the court enters its order addressing his Partial Motion for Dismissal. to answer Plaintiff's Complaint.

DISTRICT COURT JUDGE